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September 1, 2005

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Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Dockets Nos. 05-196 and 04-36
Subscriber Notification Report (September 1, 2005)

Dear Ms. Dortch:

USA Datanet Corporation ("USA Datanet"), by its attorneys, hereby respectfully files the attached "Subscriber Notification Report" in accordance with the requirements set forth in the Federal Communication Commission's Public Notice, *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket Nos. 04-36 and 05-196, DA 05-2358 (rel. August 26, 2005). Please feel free to contact the undersigned if you have any questions or need additional information.

Sincerely,

Todd D. Daubert,
Counsel for USA Datanet

Attachment

USA Datanet Corporation
Subscriber Notification Report (September 1, 2005)
WC Dockets 04-36 and 05-196

USA Datanet Corporation ("USA Datanet") submits the following Subscriber Notification Report ("Report"), which contains all of the information described in the Federal Communications Commission's Public Notice, *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket Nos. 04-36 and 05-196, DA 05-2358 (rel. August 26, 2005) ("Public Notice"). Accordingly, USA Datanet has fully satisfied the condition set forth in the Public Notice to qualify for immunity from any enforcement action regarding the requirement that USA Datanet obtain affirmative acknowledgement by every existing subscriber to USA Datanet All Talk service until September 28, 2005.

Detailed explanation regarding current compliance with the notice and warning sticker requirements.

USA Datanet notified and issued warning stickers or labels to 100% of its subscribers by the July 29th, 2005 deadline.

Quantification of the percentage of USA Datanet's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 report, and an estimation of the percentage of subscribers from whom USA Datanet does not expect to receive an acknowledgement by September 28, 2005.

As of August 31, 2005, approximately 87.3% of USA Datanet's subscribers have submitted their affirmative acknowledgements. USA Datanet respectfully submits that it is impossible to give a reliable estimate of the percentage of subscribers from whom it does not expect to receive acknowledgement by September 28, 2005. However, in order to satisfy fully the condition for immunity, USA Datanet estimates that between 0% and 10% of our subscribers will not have returned an acknowledgement by September 28, 2005.

Detailed description of any and all actions USA Datanet plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.

In order to follow-up with subscribers who have not yet acknowledged receipt and understanding of the Advisory, USA Datanet has re-sent the notification with the following additional language: "The FCC has extended the deadline for receipt of signed Emergency Services acknowledgments to September 28, 2005. Although there has been an extension, we still need you to read, understand and fax your acknowledgment to us immediately to avoid suspension on September 28, 2005." USA Datanet will continue to make efforts to obtain every subscriber's acknowledgement by September 28, 2005, and may employ additional methods depending on the effectiveness of traditional US post

office mail, email activity, and calling campaigns. Future methods may also include the use of web and or IVR technologies.

All future communications with existing subscribers seeking acknowledgement of receipt and understanding of the Advisory will include a warning that “The FCC expects us to discontinue your All Talk service by September 29th unless we obtain acknowledgment or receipt and understanding of this Advisory from you.” USA Datanet hopes to avoid disconnecting subscribers, but in light of the FCC’s apparent expectation that we do so, we will prepare for that possibility in as responsible a manner as possible given the timeframe.

Detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgment by September 28, 2005.

USA Datanet currently is determining the technical, operational and financial feasibility of implementing a “soft” or “warm” disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.